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Simms v. Houser, 3:21-cv-321

321

Judge McMahon,

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DEPUTY CLERK

This is an emergency letter. Defendants Timothy Miller and J. Rivello have just openly threatened me in front of an entire block of inmates to "Force" me to go to population. I don't know what he meant by this but, it comes The day after I reveal to the psychology department that I'm transgender and I'm afraid of being exposed as such. If you recall, I've previously told you that I didn't want to expose this fact to Rockview staff because I was afraid they'd use it as a weapon against me. Since Defendants won't transfer me, I intended to start a "healing process" to possibly regain trust with Rockview staff so I'm no longer in danger and feel safe around them. Not even 24 hours later, I'm being threatened to be "forced" out to population before the preliminary injunction can be ruled on. Defendants planned on doing this Tomorrow (5-27-21). I had relayed to Psychology that in the event my preliminary injunction is denied, I want to work on possibly re-entering population at some point, and in order for that to happen, I had to expose a major problem I'm having (being transgender). I told them that I want to wait until after the prelim. inj. is ruled on before I make any plans and that it should be ruled on sometime in June because Defendant's opposition brief is due June 8<sup>th</sup>.

Your honor, everything I've told you in my suit, affidavits and letters is true and all of my ps

predictions have come true. I predicted that if Rockview did do something, it'd look good on the surface but in reality, it's worse for me. I proved that when I exposed the truth behind the matter. The Transfere was indeed worse and directly contradicted their defense next was the prediction that the transfer was just a dog and pony show to "look good" for the court until the pending prelim. inj. is ruled on. I said this in my affidavit in support of the prelim. inj. 6 weeks after I withdrew my prelim. inj. in Simms v. Wetzel, 3:20-cv-1411 (The same amount of time elapsed when I filed the prelim. inj. in Simms v. Wetzel to when they decided to "transfere" me... not a coincidence) They say my transfere was denied by "central office". This is suspect because an inmate, James Brown, has been waiting for the same approval/denial for months prior to me and his transfer hasn't been approved or denied. This means that once Defendant's learned the prelim. Inj. was withdrawn, they stopped the act. The last prediction was if I wasn't transferred or the prelim. inj. was denied, They'd continue their misconduct. They just proved that true today.

I can't say for sure that they'll use my gender identity as a weapon against me, but it is common for staff to do. I fear that they'll "cell extract" me (forcibly remove me from my cell with intense physical violence) and take all of my property and my legal work. I don't know how else they

could possibly "force" me to go to population except by these 2 ways.

Your Honor, I've done nothing wrong to these people to warrant this. I Genuinely Fear for my life and wellbeing. Your honor, every time I try to ask for help, in any regard, they use it as a weapon against me. I try to build trust, and they punish me. I try to compromise ~~them~~ with them, and they "go harder." I try to get mental help and reveal myself as transgender to address possibly returning to population in the future, and ~~no~~ The verry next day I'm being threatened by unknown means to be "forced" to go to population tomorrow.

Your Honor, This whole situation could be solved if I was permanently moved to a different prison. I don't care which one as long as they have a large transgender population and low gang member population. ~~It is becoming clearer and clearer to me that a peaceful co-existence for me in Rockview is impossible.~~ Your honor, I don't even know if they'll actually do something to me, but they are inflicting mental terrorism upon me. They keep making things worse and worse even when I try to cooperate with what they want me to do.

If nothing happens ok. But if something does happen, chances are they'll prevent me from relaying it to the court. The only way it can be verified is by contacting Rockview and inquiring on my status. I'm currently on D/C status in cell G-B-6 pg 3

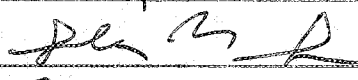
with no misbehavior reports. I'm not suicidal, I'm not having an episode, I'm not being violent, and I'll comply with all orders except to go to population. I am not going to resist in any manner. Staff like to stage suicidal threats to put inmates on suicide watch (Naked in a camera cell) so they can take his property/legal work. Or stage violence to validate use of force on inmates. If you inquire on my status and any of the above things happened (or something of that nature) then I need immediate help.

If nothing happens between now and when the preliminary injunction is ruled on, consider this an affidavit. An affidavit on my gender identity is being drafted soon.

I swear under penalty of law that everything stated in this letter is true and correct upon information and belief.

PLEASE HELP. All joking aside. Dead Serious, I Fear for my life.

Sincerely,

Signed: 

Dated: 5-26-21

Shawn Simms JP4632

Prison Litigator

Box 9

Bellefonte, Pa. 16823 PS4

Smart communications  
Pa See Rockwell  
Shawn Simms JP4037  
PO Box 33008  
St. Petersburg, FL 33733

U.S. District Court

Middle District of Pa.

235 N. Washington Ave.

PO Box 1148

Scranton, Pa. 18501

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